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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/700,428      | 11/15/2000  | Pascal Urien         | T2146-906652        | 5915             |

181 7590 09/21/2004

MILES & STOCKBRIDGE PC  
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EXAMINER

NGUYEN, HAI V

| ART UNIT | PAPER NUMBER |
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2142

DATE MAILED: 09/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/700,428

Applicant(s)

URIEN, PASCAL

Examiner

Hai V. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2004.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 16-30 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 16-30 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This Office Action is in response to the communication received on 29 June 2004.

2. Claims 16-30 are presented for examination.

#### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 16, 19, 22, 25, 28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claim 16 recites the limitation ", by means of **said third object file interface**," in claim 16. There is insufficient antecedent basis for this limitation in the claim.

6. Regarding claim 16, the word "means" is preceded by the word(s) "**by means of said third object file interface**" in an attempt to use a "means" clause to recite a claim element as a means for performing a specified function. However, since no function is specified by the word(s) preceding "means," it is impossible to determine the equivalents of the element, as required by 35 U.S.C. 112, sixth paragraph. See *Ex parte Klumb*, 159 USPQ 694 (Bd. App. 1967).

7. Claims 22, 25, 28 are rejected under 35 U.S.C. 112, second paragraph, as failing to set forth the subject matter which applicant(s) regard as their invention. Evidence that claims 22, 25, 28 fail to correspond in scope with that which applicant(s) regard as the invention can be found in the reply filed on 29 June 2004. In that paper, applicant

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has stated in claims 22, 25, 28, "...to implement sessions between one or more agent(s) described by an object file executed from ..." and this statement indicates that the invention is different from what is defined in the specification because in the specification on pages 7-13 defining that "a session is a two-way data exchange between these two agents". Therefore, the ordinary skill person in the networking art do not understand how "...to implement sessions between one agent described by an object file executed from ..." works.

### ***Specification***

8. The disclosure is objected to because of the following informalities: The handwritten titles for sections in specification, e.g., Background Definitions, Description of Prior Art ,..., so fuzzy and unclear.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102(b) that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 16-27 are rejected under 35 U.S.C. 102(b) as being anticipated by **Chen** et al. U.S. patent no. **5,590,197**.

11. As to claim 16, Chen, Electronic Payment System And Method, teaches substantially the invention as claimed, including an embedded system (*cyber wallet*) adapted to cooperate with a network (*internet or World Wide Web*) through a terminal

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(*kiosk or PC*), comprising a chip having an information processor and a memory for information storage,

said memory storing at least one object file (*public key file*) containing information (account information) associated with an object (*card issuer*) located in the network (*internet*) and making it possible to create an instance of this object (*a public key identifier*) (*col. 4, line 63 – col. 5, line 11; col. 6, lines 12-26*); and

said information processor including a first network interface (*browser*) adapted to cooperate with a second matching network interface (*card reader*) located in the terminal, so that the embedded system constitutes an information server in the network (*col. 3, line 65 – col. 4, line 13; col. 6, line 58 – col. 7, line 8*), by means of said third object file interface (*Merchant with authorization ticket*), comprising at least one intelligent agent for establishing correspondence (*payment*) between information (*order of purchasing goods or services*) passing through the first network interface and assigned to at least said object file, and information (*user ID or PIN number*) exchanged with said object file (*col. 6, lines 12-57*).

12. As to claim 17, Chen teaches, wherein the object file comprises a piece of autonomous software executable in browser software (*wallet as software package*) (*col. 4, lines 1-13; col. 6, lines 10-27*).

13. As to claim 18, Chen teaches, wherein said first network interface means is adapted to cooperate with the matching network interface means located in the terminal, such that the embedded system behaves like a client capable of connecting to

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at least one server (*Merchant processor or credit processor*) of the network (*col. 3, line 53 – col. 4, line 13; col. 6, lines 28-47*).

14. Claim 19 recites similar limitations of claim 16 and including, the method comprising the steps

establishing a list of one or more agents (*list of multiple card issuers*) implemented; and

for each agent, defining call arguments (*public keys associated with key identifiers*) necessary to the agent so as to describe a set of sessions between agents using an object file.

15. As to claim 20, Chen teaches, further comprising describing the opening of a session with another agent by a call argument (*col. 6, lines 48-57*).

16. As to claim 21, Chen teaches modifying the list of arguments used by a first agent by another agent (*col. 4, lines 22-32*).

17. Claim 22 cites similar limitations of claim 16 and including the steps of:

identification of an object file (*the account servicer used the private key associated with the selected public key in order to decrypt the file and verify the status of the account col. 6, line 48 – col. 7, line 8*); and

execution of this object file so as to implement sessions between one or more agents described by an object file executed from the information server of the embedded system (*col. 6, line 48 – col. 7, line 8*).

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18. As to claim 23, Chen teaches, wherein the object file is executed by instantiating the first agent associated with the object file (*the merchant of a public key identifier associated with the public key, col. 6, lines 28-47*).

19. As to claim 24, Chen teaches, wherein the object file is executed by instantiating one or more agents referenced by the object file (*one or more the merchants of one or more public key identifiers associated with the public keys, col. 6, lines 28-47*).

20. Claim 25 cites similar limitations of claim 16 and including the steps of:

loading an object file and a specific software capable of implementing it by browser software (*col. 5, lines 19-60; col. 6, lines 12-26; col. 7, lines 1-8*); and

execution of the specific software by the browser software so as to implement sessions between one or more agents described by an object file executed from browser software (*col. 4, lines 1-13; col. 5, lines 19-60; col. 6, lines 12-26; col. 7, lines 1-8*).

21. As to claim 26, Chen teaches, wherein the specific software is embodied in an interpreted language executable by the browser software (*col. 4, lines 1-13; col. 5, lines 19-60; col. 6, lines 12-26; col. 7, lines 1-8*).

22. As to claim 27, Chen teaches, wherein an object file interpreter is embodied in the browser software (*col. 4, lines 1-13; col. 5, lines 19-60; col. 6, lines 12-26; col. 7, lines 1-8*).

23.

***Claim Rejections - 35 USC § 103***

24. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

25. Claims 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Chen** as applied to claims 16-27 above, and further in view of **Linden et al.** U.S. patent no. **6,549,773 B1**.

26. As to claim 28, Chen discloses all similar limitations as in claim 16. However, Chen does not explicitly disclose the step of identifying, by means of a universal resource identifier (URI), a specific software implementing the browser software so as to enable the embedded system to implement sessions between one or more agents described by an object file executed from browser software. Thus, the artisan would have been motivated to look into the related networking arts for potential methods and apparatus for implementing the universal resource identifier (URI).

In the same field of endeavor, Linden, Method For Utilizing Local Resources In A Communication System, discloses (e.g. network resource utilization) that *in the information, the address information (URI, URL, URN) of the request (REQUEST) is established to identify said first local resource (SC, 4) and the request (REQUEST) is generated and directed at least partly with the help of said protocol means (100-106), Linden, Abstract, col. 5, lines 4-15; col. 10, lines 25-65).*



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Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Linden's teachings of identifying the local resource by means of URI (Linden, Abstract, col. 5, lines 4-15; col. 10, lines 25-65) with the teachings of Chen, for the *purpose of utilizing local resource flexibly (Linden, col. 4, lines 37- 50) and efficiently the methods of the WWW communication network for authorization or data transmission (Linden, col. 5, line 16- 26).*

27. As to claim 29, Chen-Linden, discloses, wherein a universal resource identifier is 2 integrated into a hypertext document (*Linden, col. 10, lines 7-65*).

28. As to claim 30, Chen-Linden, discloses, wherein said specific software is loaded by a method available in the browser software and deduced from the universal resource identifier (*Linden, col. 10, lines 25-65*).

### ***Response to Arguments***

29. Applicant's arguments filed on 29 June 2004 and 07 June 204 have been fully considered but they are not deemed to be persuasive.

30. In the remark, Applicant argued in substance that:

Point (A), the prior art does not teach or suggest "protocol conversion between a card and a browser of a terminal for communication in a network"

As to point (A), In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., protocol conversion) are not recited in the rejected claim(s).

Although the claims are interpreted in light of the specification, limitations from the

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specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

### ***Conclusion***

31. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai V. Nguyen whose telephone number is 703-306-0276. The examiner can normally be reached on 6:00-3:30 Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey can be reached on 703-305-9705. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hai V. Nguyen  
Examiner  
Art Unit 2142



JACK B. HARVEY  
SUPERVISORY PATENT EXAMINER